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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-871

13 **ANGELA MARIE DEVARSO**
14 **133 A Dell Glen Avenue**
15 **Lodi, New Jersey 07644**

A C C U S A T I O N

16 **Registered Nurse License No. 770700**

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about March 18, 2010, the Board of Registered Nursing issued Registered
24 Nurse License Number 770700 to Angela Marie Devarso (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein. It expired
26 on September 30, 2011, and has not been renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

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COST RECOVERY

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being

1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
2 included in a stipulated settlement.

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6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Unprofessional Conduct – Disciplinary Action by Another Health Care Agency –**
8 **New Jersey Board of Nursing)**

9 8. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4), on
10 the grounds of unprofessional conduct in that Respondent was disciplined by the New Jersey
11 Board of Nursing In the Matter of the Suspension or Revocation of the License of Angela
12 Devarso, R.N., License No. 12405100, for violation of New Jersey Statutes Annotated section
13 45:1-21(f) (crime or offense which related adversely to the practice of nursing and which is a
14 crime of moral turpitude.) The circumstances are as follows:

15 9. In or about 2010, the New Jersey State Board of Nursing opened an investigation
16 against Respondent after having received information that on or about April 27, 2010,
17 Respondent was convicted in the United States District Court in Newark, New Jersey, for
18 violation of 18 U.S.C. section 2314 and 18 U.S.C. section 2 (transportation of stolen goods in
19 interstate commerce). The New Jersey Board learned that the circumstances surrounding
20 Respondent's conviction were that Respondent wrongfully took approximately \$300,000 worth of
21 medical equipment, including surgical blades and a surgical camera, from St. Joseph's Regional
22 Medical Center where she was employed in 2008 and 2009, and that she subsequently sold the
23 equipment on the internet.

24 10. On or about July 30, 2010, Respondent voluntarily surrendered her New Jersey
25 Nursing License No. 12405100.

26 **PRAYER**

1 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
2 and that following the hearing, the Board of Registered Nursing issue a decision:

3 1. Revoking or suspending Registered Nurse License Number 770700 issued to Angela
4 Marie Devarso;

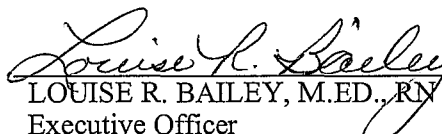
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7 2. Ordering Angela Marie Devarso to pay the Board of Registered Nursing the
8 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
9 Professions Code section 125.3;

10 3. Taking such other and further action as deemed necessary and proper.
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12 DATED: April 8, 2013


13 LOUISE R. BAILEY, M.ED., RN
14 Executive Officer
15 Board of Registered Nursing
16 Department of Consumer Affairs
17 State of California
18 Complainant

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